

### **REMARKS/ARGUMENTS**

Claims 1-11 remain in this application for examination.

Applicant acknowledges the new ground of rejection occasioned by the Amendment of July 28, 2003.

Claims 1-11 have been rejected under 35 U.S.C. §103(a) as being over Hultgren et al. '666 in view of Buckman '203 or Turman '564. Applicant respectfully traverses this rejection.

Considering first the primary reference, Hultgren '666 it is respectfully submitted that Hultgren does not disclose a "unitary body being of a single piece. "Rather, Hultgren et al. discloses an integral body of at least three pieces, i.e., an anti-drainback valve 76 made of an elastomeric material; an annular metal insert 92 used to stiffen the top of the valve 76, and a metal filter support member which engages the anti-drainback valve 76 with an inturned rib 62 received in a circumferential slot 90. The reenforcement member 92 is held in place by "any suitable means such as adhesive cement and the like". Clearly, this is relatively complex structure in which separate parts must interact in order for the anti-drainback valve 46 to be properly supported and to properly function.

In Applicant's claimed invention there is no need for a recess such as the recess 90 in the valve and no need for and inturned horizontal rim 62 for receipt in the circumferential slot 90. Moreover, there is no need for an L-shaped reenforcement member 92 that has to be glued or otherwise attached to the valve. Rather, Applicant's axially position one way valve is unitary with the axially extending plate portion 46 and with the support portion 44. There is nothing in Hultgren et al., which teaches that the valve 46 could be unitary with a support which supports both the filter element and the valve.

In addition, there is no suggestion anywhere in Hultgren et al. '666 of the one way valve 46 having the function of:

"closing to prevent oil or fuel from flowing through the central spin-on opening and into the hollow core of the filter element and opening when fluid is being circulated under pumping pressure."

In Hultgren et al. the one-way valve is an anti-drainback valve, not an anti-prefill valve which prevents a filter from being filled with old or used oil by an unscrupulous mechanic or service station. Hultgren et al. is silent with respect to this issue and considers only a single purpose for the filter, i.e., preventing oil remaining in the filter from draining out of the filter when the Engine is not running. There is absolutely no suggestion in Hultgren et al. at all of this concept.

It is respectfully submitted that neither Buckman '023 or Turman '564 cure the deficiencies of Hultgren et al. as a reference against Applicant's claims. Buckman '023 does not disclose either an anti-prefill valve or an anti-drainback valve which closes downstream of the filter media in order to either prevent liquid from draining from the core of a filter element or to prevent a valve from being prefilled. Accordingly, the only reason one would combine Buckman et al. with Hultgren et al. is to formulate a rejection of Applicant's claims. There is no disclosure in Buckman et al. suggesting that one skilled in the art would combine Buckman with Hultgren et al. for any reason, let alone to make the anti-drainback valve 46 of Hultgren et al. a single piece, unitary valve structure. Buckman et al. teaches a completely different type of valve in which the core of a filter is always open, rather than a filter in which the core of the filter element therein is closed when the filter is not operating to filter a liquid. Moreover, one could clearly not use Buckman et al as

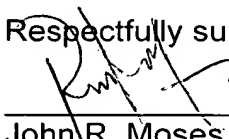
an anti-prefill valve because the filter element support is completely open with respect to the core of the filter.

Turman does not cure the deficiencies of Hultgren et al. as a reference against Applicant's claims either. This is because while Turman discloses a unitary body 78 which closes against return flow, Turman does not disclose a radially extending plate portion, which is only supported around the periphery thereof. Rather Turman discloses a purse-type valve with a radial portion that is completely supported outboard of the converging lips of the plate valve. It is respectfully submitted that Turman does not disclose structure which would cure the deficiencies of Hultgren et al. as a reference against Applicant's claims because Turman teaches that the plate portion must be supported on both side thereof, inboard of the periphery of the plate portion, rather than only at the periphery of the plate portion.

It is respectfully submitted that this is a full and complete response to the Office Action of August 28, 2003 and as such places this application in condition for allowance. If the Examiner for any reason feels a personal conference with Applicants' attorneys might expedite prosecution of this application, the Examiner is respectfully requested to telephone the undersigned locally.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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